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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,029	01/16/2001	Philippe Joseph Ghislain Bossut	04324.P006C	8057

7590

06/18/2002

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EXAMINER

NGUYEN, KIMBINH T

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 06/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/764,029

Applicant(s)

BOSSUT ET AL.

Examiner

Kimbinh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 53-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Preliminary Amendment has been entered and recorded.
2. Claims 1-52 have been canceled; claims 53-60 are pending in the application.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 53-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh (6,034,785).

Claim 53, Itoh discloses positioning an adjustable image (read image) (col. 38, lines 64-65) to a cutout region (col. 39, lines 22-23) within a foreground (background) image, comprising: identifying a zone of interest in an adjustable image (col. 38, lines 64-67); determining effective translation (moving and turning) and scaling parameters (enlarging or reducing) (col. 17, lines 53-55) so that the translating and scaling the adjustable image accordingly a significant portion of interested zone appears within the cutout region without changing (coincides with or similar to a size designated by the template attribute file) the adjustable image (col. 18, lines 56-67). It is noted that Itoh performs a method of template image (a predetermined image) and image synthesizing a background image, reading an entire image of the original and cutting out image data in a region which is inscribed in the entire image region of the read original and similar to the designated size (adjusted image) from the entire image and converting the cutout

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image into read image data having the designated size and the solution of the output print (col. 4, lines 40-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature, because it would improve image synthesizing method capable of automatically reading an image and converting the read image into read image data having designated sized and a resolution and automatically synthesizing the image and background image data which is located at a designated position and size can be synthesized therein, in order to manufacture picture postcards having a print image in which characters and an image are synthesized using a digital photoprinter of a digital print system.

Claim 54, Itoh discloses the zone of interest is much relative area zone of interest as possible, but constrained so that the cutout region remain entirely within the extent of the adjustable image (col. 4, lines 41-58).

Claim 55, Itoh discloses the identifying is carried out manually (col. 18; lines 16-20).

Claim 56, Itoh the identifying is carried out automatically (col. 18, lines 22-30).

Claim 57, Itoh the identifying is base on information as the adjustable image was positioned within a previous cutout region (col. 18, lines 56-67).

Claim 58, the claimed device for positioning an adjustable image relative to a cutout region within a foreground image including features that correspond with the subject matter mentioned in the rejection of claim 53 are likewise treated.

Claim 59, the claimed elements of a device which corresponds with subject matter mentioned in the rejection of claim 54 are likewise treated.

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Claim 60, the claimed elements of a device which corresponds with subject matter mentioned in the rejection of claim 57 are likewise treated.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kimbinh Nguyen** whose telephone number is **(703) 305-9683**. The examiner can normally be reached **(Monday- Thursday from 7:00 AM to 4:30 PM and alternate Fridays from 7:00 AM to 3:30 PM)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

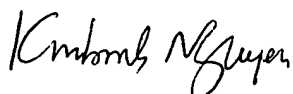
**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Part II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

June 13, 2002



Kimbinh Nguyen